

Housing Authority Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor:

LONG TITLE**General Description:**

This bill enacts provisions related to housing authorities.

Highlighted Provisions:

This bill:

- defines terms;
- prohibits a county housing authority from operating within a city without obtaining approval from the city and each housing authority authorized to operate within the city; and
- prohibits a public or private entity from undertaking a project initiated by or in collaboration with a county housing authority if the project is located in a city where the county housing authority does not have authority to operate.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:**AMENDS:**

35A-8-401, as renumbered and amended by Laws of Utah 2012, Chapter 212

35A-8-407, as renumbered and amended by Laws of Utah 2012, Chapter 212

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **35A-8-401** is amended to read:

35A-8-401 . Definitions.

As used in this part:

(1) "Area of operation" means:

- (a) in the case of an authority of a city, the city, except that the area of operation of an authority of a city does not include an area that lies within the territorial boundaries

31 of some other city; or

32 (b) in the case of an authority of a county, except as provided in Subsection
33 35A-8-407(5), all of the county for which [it] the authority is created [~~except, that a~~
34 ~~county authority may not undertake a project within the boundaries of a city unless a~~
35 ~~resolution has been adopted by the governing body of the city, and by any authority~~
36 ~~which has been established and authorized to exercise its powers in the city,~~
37 ~~declaring that there is need for the county authority to exercise its powers within that~~
38 ~~city~~].

39 (2) "Blighted area" means an area where dwellings predominate that, by reason of
40 dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light, or
41 sanitary facilities or any combination of these factors, are detrimental to safety, health,
42 and morals.

43 (3) "Bonds" means bonds, notes, interim certificates, debentures, or other obligations issued
44 by an authority under this part.

45 (4) "City" means a city or town in the state.

46 (5) "Clerk" means the city or county clerk, or the officer charged with the duties
47 customarily imposed on the clerk.

48 (6) "County" means a county in the state.

49 (7) "Elderly" means a person who meets the age, disability, or other conditions established
50 by regulation of the authority.

51 (8) "Federal government" includes the United States of America, the Department of
52 Housing and Urban Development, or any other agency or instrumentality, corporate or
53 otherwise, of the United States.

54 (9) "Governing body" means, in the case of a city, the council or other body of the city in
55 which is vested legislative authority customarily imposed on the city council, and in the
56 case of a county, the board of county commissioners.

57 (10) "Housing authority" or "authority" means a public body corporate and politic created
58 by this part.

59 (11)(a) "Housing project" or "project" means a work or undertaking, on contiguous or
60 noncontiguous sites to:

61 (i) demolish, clear, or remove buildings from a blighted area;

62 (ii) provide or assist in providing decent, safe, and sanitary urban or rural dwellings,
63 apartments, or other living accommodations for persons of medium and low
64 income by any suitable methods, including rental, sale of individual units in single

- 65 or multifamily structures under conventional condominium, cooperative sales
66 contract, lease-purchase agreement, loans, or subsidizing of rentals or charges; or
67 (iii) accomplish a combination of Subsections (11)(a)(i) and (ii).
- 68 (b) "Housing project" includes:
- 69 (i) buildings, land, equipment, facilities, and other real or personal property for
70 necessary, convenient, or desirable appurtenances;
- 71 (ii) streets, sewers, water service, utilities, parks, site preparation and landscaping;
- 72 (iii) facilities for administrative, community, health, recreational, welfare, or other
73 purposes;
- 74 (iv) the planning of the buildings and other improvements;
- 75 (v) the acquisition of property or any interest in the property;
- 76 (vi) the demolition of existing structures;
- 77 (vii) the construction, reconstruction, rehabilitation, alteration, or repair of the
78 improvements and all other work in connection with them; and
- 79 (viii) all other real and personal property and all tangible or intangible assets held or
80 used in connection with the housing project.
- 81 (12) "Major disaster" means a flood, drought, fire, hurricane, earthquake, storm, or other
82 catastrophe, which in the determination of the governing body is of sufficient severity
83 and magnitude to warrant the use of available resources of the federal, state, and local
84 governments to alleviate the damage, hardship, or suffering caused.
- 85 (13) "Mayor" means the mayor of the city or the officer charged with the duties customarily
86 imposed on the mayor or executive head of a city.
- 87 (14) "Obligee of an authority" or "obligee" includes a bondholder, agent or trustee for a
88 bondholder, a lessor demising to the authority used in connection with a project, an
89 assignee or assignees of the lessor's interest in whole or in part, and the federal
90 government when it is a party to a contract with the authority.
- 91 (15) "Persons of medium and low income" mean persons or families who, as determined by
92 the authority undertaking a project, cannot afford to pay the amounts at which private
93 enterprise, unaided by appropriate assistance, is providing a substantial supply of decent,
94 safe and sanitary housing.
- 95 (16) "Person with a disability" means a person with any disability as defined by and
96 covered under the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12102.
- 97 (17) "Public body" means a city, county or municipal corporation, commission, district,
98 authority, agency, subdivision, or other body of the foregoing.

(18) "Real property" includes all lands, improvements, and fixtures on them, property of any nature appurtenant to them or used in connection with them, and every estate, interest, and right, legal or equitable, including terms for years.

Section 2. Section **35A-8-407** is amended to read:

35A-8-407 . Powers of housing authority.

(1) An authority has perpetual succession and all the powers necessary to carry out the purposes of this part.

(2) An authority may:

- (a) sue and be sued;
- (b) have a seal and alter it;
- (c) make and execute contracts and other instruments necessary to the exercise of its powers;
- (d) make, amend, and repeal bylaws and rules;
- (e) within its area of operation, prepare, carry out, and operate projects and provide for the acquisition, construction, reconstruction, rehabilitation, improvement, extension, alteration or repair of any project;
- (f) undertake and carry out studies and analyses of housing needs within its area of operation and ways of meeting those needs, including data with respect to population and family groups and its distribution according to income groups, the amount and quality of available housing, including accessible housing, and its distribution according to rentals and sales prices, employment, wages and other factors affecting the local housing needs and meeting these needs;
- (g)(i) make the results of studies and analyses available to the public and the building, housing, and supply industries; and
- (ii) engage in research and disseminate information on housing programs;
- (h) utilize, contract with, act through, assist, and cooperate or deal with any person, agency, institution, or organization, public or private, for the provision of services, privileges, works, or facilities, or in connection with its projects;
- (i) notwithstanding anything to the contrary contained in this part or in any other provision of law:
 - (i) agree to any conditions attached to federal financial assistance relating to the determination of prevailing salaries or wages or payment of not less than prevailing salaries or wages or compliance with labor standards in the development or administration of projects;

- 133 (ii) include in any contract awarded or entered into in connection with a project
134 stipulations requiring that the contractor and all subcontractors comply with
135 requirements as to minimum salaries or wages and maximum hours of labor; and
136 (iii) comply with any conditions attached to the financial aid of the project;
- 137 (j) lease, rent, sell, or lease with the option to purchase any dwellings, lands, buildings,
138 structures, or facilities embraced in a project;
- 139 (k) subject to the limitations contained in this part with respect to the rental or charges
140 for dwellings in housing projects, establish and revise the rents or charges for the
141 dwellings;
- 142 (l) own, hold, and improve real or personal property;
- 143 (m) purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or
144 otherwise any real or personal property or any interest in it;
- 145 (n) sell, lease, exchange, transfer, assign, pledge, or dispose of real or personal property
146 or any interest in it;
- 147 (o) make loans for the provision of housing for occupancy by persons of medium and
148 low income;
- 149 (p) make loans or grants for the development and construction of accessible housing;
- 150 (q) insure or provide for the insurance, in stock or mutual companies, of real or personal
151 property or operations of the authority against any risks or hazards;
- 152 (r) procure or agree to the procurement of government insurance or guarantees of the
153 payment of any bonds, in whole or in part, issued by the authority, including the
154 power to pay premiums on the insurance;
- 155 (s) invest money held in reserves, sinking funds, or any funds not required for immediate
156 disbursement in property or securities in which savings banks may legally invest
157 money subject to their control;
- 158 (t) redeem its bonds at the redemption price established or purchase its bonds at less than
159 redemption price, with all bonds that are redeemed or purchased to be canceled;
- 160 (u) within its area of operation, determine where blighted areas exist or where there is
161 unsafe, insanitary, or overcrowded housing;
- 162 (v) make studies and recommendations relating to the problem of clearing, replanning,
163 and reconstructing blighted areas, and the problem of eliminating unsafe, insanitary,
164 or overcrowded housing and providing dwelling accommodations and maintaining a
165 wholesome living environment for persons of medium and low income, and
166 cooperate with any public body or the private sector in action taken in connection

with those problems;

(w) acting through one or more commissioners or other persons designated by the authority, conduct examinations and investigations and hear testimony and take proof under oath at public or private hearings on any matter material for its information;

(x) administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers, and issue commissions for the examination of witnesses outside the state who are unable to appear before the authority or are excused from attendance;

(y) make available to appropriate agencies, including those charged with the duty of abating or requiring the correction of nuisances or like conditions or of demolishing unsafe or insanitary structures within its area of operation, its findings and recommendations with regard to any building or property where conditions exist that are dangerous to the public health, morals, safety, or welfare; and

(z) exercise all or any part or combination of the powers granted under this part.

(3)(a) If there are two or more housing authorities established within a county of the first or second class, then those housing authorities shall create a uniform online application for the housing choice voucher program with links to each of the housing authorities within the county.

(b) As used in Subsection (3)(a), "housing choice voucher program" means the federal government's housing assistance program administered by a housing authority, which enables low-income families, the elderly, and the disabled to secure decent, safe, and sanitary housing in the private market.

(4) No provision of law with respect to the acquisition, operation, or disposition of property by other public bodies is applicable to an authority unless the Legislature specifically states that it is.

(5)(a) A county authority may not undertake a project within the boundaries of a city unless the governing body of the city and each authority authorized to operate within the city adopt a resolution declaring that there is need for the county authority to operate within the city.

(b) A public or private entity may not undertake a project initiated by or in collaboration with a county authority if the project is located in a city where the county authority is not authorized to operate under Subsection (5)(a).

Section 3. **Effective Date.**

This bill takes effect:

- 201 (1) except as provided in Subsection (2), May 7, 2025; or
202 (2) if approved by two-thirds of all members elected to each house:
203 (a) upon approval by the governor;
204 (b) without the governor's signature, the day following the constitutional time limit of
205 Utah Constitution, Article VII, Section 8; or
206 (c) in the case of a veto, the date of veto override.